

App. F. IX-4

193

File No. 1-28

Previous References

118-26 (16-18, 20-28)
" 1-28 (14 Nov 86-91)
" 1-28 (5-7, 9, 11)

Serial Nos. 92, 93

Later References

" 120-19 (1-14)
" 118-26 (29, 30)
" 118-26 (1-15)
" 3-21 (4, 41)

Let Paper be

General and Revenue Secretariat

Preserve

11

Serial Nos. 1200

Part B for Oct 31

SUBJECT.

A Amendment to Hypothesis, Explosives
Rule

P.O.D.

X

Serial
No.

92

From the Secy to the Hon'ble the Resident
in Abyssinia. No. 6176/1-1929 d. 26.8.31.
States ^{with refer to the office letter of 14.3.31} that the certification of the stock
of explosives with intending importers is con-
templated by certain provisions in the Ind-
ian Arms Rules, and enquires whether the
Govt of Abyssinia have any objection to the
procedure ^{regarding certification} suggested in para 2 of his letter
of 25th July 1930.

The previous files & papers are traced & put up.
In para 2 of his letter of 25th July 1930
the Secy to the Resident has stated that in for-
warding applications for the import of explosive
it is presumed that the Abyssinian Govt would
certify the stock on hand & state the quan-
tity of explosives recommended for export-
ation under the licence, due allowance
being made for the quantity which is
likely to be sold before the receipt by
the applicants of the fresh consignments.
He now enquires whether the ^{Abyssinian} Govt have any
objection to the above procedure being adopted.
The ^X reply to his in the Resy communication
of 14.3.31 was issued in accordance
with the orders of the previous 1st Chamber

File No.

1

of 1928.

General and Revenue
Secretariat

on pages 38, 39 of File 1-28.

Subd. for orders.

MR. R.

4.9.31.

7 lag y

R

J

S

The question of the certification of the Stock on hand with the intending purchasers is not a new one at all. So far back as 1920, the F. A. R. in his letter D. 8. 1. 20 referred to in para 3 of his letter under refce ~~to~~ raised the question of applications for importing Ammunition into Mysore State by Mysore Merchants being submitted thro the Dt Magistrate concerned, these latter being authorized to certify the Stock on hand and to state the quantity which he would recommend being allowed to be imported. After consulting the Dt Magistrate and the J. G. of Police a final reply was sent to the F. A. R. stating that the Mysore District had no objection to the procedure suggested by him & that necessary instructions ~~would be~~ ^{would be} issued to all the Dt Magistrates & the Masters.

The Chief Insp. of Explosives having brought to the notice of Govt in his letter M 1636 D. 14. 3. 27 that the practice of applying for licenses thro' Dt Magistrate had caused considerable delay ^{in disposal} & consequent hardship to importers the question of going back to the old order of things, viz of permitting applications for permits being submitted direct to the Honble the Mr. Resident, was taken up, the records of the Dt Magistrate again obtained and in

877

General and Revenue
Secretariat

yest

File No.

1

of 1938

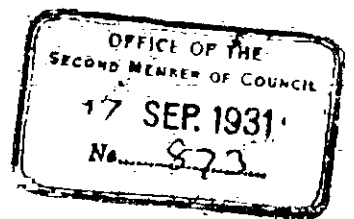
Contribution, the reasons for insisting on Contribution being given. The view communicated to the Res^t in the letter dated 14.3.31 was that such Contribution was not necessary according to the rules. It has practically been conceded that the rules applicable in such cases are those relating to Export Licences under the Indian Customs Rules. Although neither Schedule VI nor Form VI Schedule VIII specifically mention anything as regards Contribution of stock, it is seen that the licensing authority being the Resident, his power of discretion to require Contribution cannot perhaps be questioned.

This same question having come up in different circumstances, it has been allowed that J^r might still certify the stock. In these circumstances, it is for consideration whether the position taken up by the Res^t can be authorised.

2nd Member)

11/8
17.9.31

17/9



Serial
No.

I am afraid I cannot agree with the Development Secretary that the Hon'ble the Resident's discretion to require certification by Government cannot be questioned. The position of the Residency is that as he is the licensing authority, he can insist upon certification being made by any authority he likes. It may, however, be pointed out that any restrictions which the licensing authority may consider necessary can only be enforced against the applicant and not against ^a the third party, such as the forwarding agency. It is true that as a matter of convenience, we have agreed that the application should be forwarded through the District Magistrate, who will certify as to the stock concerned. This has been agreed to to enable the Hon'ble the Resident to dispose these applications promptly. As it is proposed to continue this arrangement, I do not think we should agree to the further proposal that the certificate should be made by the Government of Mysore.

A draft reply may be put up stating that the objection taken in our letter applies only to the suggestion that the certification should be made by Government and not to the certification by the District Magistrate, which procedure ^{as} has already been pointed out to the Residency, will be continued. In view of this, the question of further certificate by the Government does not arise and may be dropped.

NOTE—Contn. Sheet.

For
26/7/38
26/9

File 1-28-92

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 6176 P 877
1-1929.

Pol. 304
GEN. & REV. SECRETARIAT.
28 AUG. 1931
DEVELOPMENT BRANCH.

FROM

Captain G. Kirkbride,

SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

TO

The Secretary to the Government of Mysore,

Development Departments.

Dated Bangalore, 26th August 1931.

SUBJECT.

Amendment to the Mysore Explosives Rules.

SIR,

7/25/31
7/25/31
X
With reference to your letter No. Pol.905/Geol.1-28-91, dated the 14th March, 1931, on the above subject, I am directed to say that it is not clear whether the objection pointed out in paragraph 2 of your letter relates only to certification of the stock of explosives on hand with intending importers by the Government of Mysore as suggested in letter No. 5884, dated the 25th July 1930, from this office, or whether it relates also to the procedure existing at present, viz., certification by a District Magistrate in the Mysore State.

7/25/31
7/25/31
X
2. Regarding the authority under which certification of the stock of explosives with intending importers is required, I am to point out that such certification is contemplated by certain provisions in the Indian Arms Rules. Under rule 17(1) (b) of these rules, as far as the Mysore State is concerned, it is the Resident who is the proper authority to grant licenses to export explosives from British India. Under sub-rule (1) of rule 40,

"Every person who wishes to obtain a license under these rules shall apply in writing, to the nearest authority empowered to grant such license, and shall in such application furnish all such particulars as may be necessary to enable such license to be granted".

In

In regard to Mysore State, the ultimate decision regarding "such particulars as may be necessary to enable such license to be granted" rests with the Resident and it is open to him to direct that certification of the stock of explosives either by the Government of Mysore or by the District Magistrate should be one of the concomitants necessary to enable him to grant a license.

7 Aug 31
10509
3235

3. In this connection I am to invite your attention to letters Nos. 132^X and 10496^X, dated the 8th January 1920 and the 15th October 1927, respectively from this office. The purpose underlying the insistence on the certification of the stock of explosives is merely to remove a difficulty attendant on a procedure under which "this office does not know the quantity in stock at the time of the receipt of the application; and it is not possible, therefore, to decide whether the license asked for can, in so far as the quantity entered in it is concerned, be granted without objection or without breaking rules".

7

4. In these circumstances I am to enquire whether the Government of Mysore have any objection to the procedure regarding certification of the stock of explosives suggested in paragraph 2 of letter No. 5884^X, dated the 25th July, 1930, from this office.

I have the honour to be,

Sir,

Your most obedient servant,



Captain.

SECRETARY TO THE RESIDENT.

43

SUBJECT

.....

.....

Section *Geol*

File No. *1-28*

Serial No. *93*

Diary No. of letter replied to *877*.....

No. *Pol. 441*

General and Revenue Secretariat

()

the 193

Date of issue *9-10-31*.....

Signed by *Mr B.T.K.*.....

To The Secy to the Resident,
Sir,

Referring to your letter
No 6176/1-1929 d 26-8-31 regard-
ing the certification of the
stock on hand of explosives
with intending importers,
I am directed to state that
~~the objection when~~
~~the observation made in~~
para 2 of this office letter
of the 14th March 1931 applies
only to the suggestion that
the certification should be
made by the Mysore Govt.,
and not to certification by
the District Magistrates which
procedure will be continued

2

List of enclosures

Copied by

Examined by

as already stated in this
office letter NO Pol 58²₃/geol

118-26-27 d 10-11-1927. I

am to ~~request~~^{advise} that, in

view of this, the question

of further certification by
~~does not arise~~

the Mysore govt. ~~be dropped~~

and sanction accorded to

insert the amendment proposed

in regard to Item (1) of Schedule I

of the Mysore Explosives Rules

in this office letter NO Pol 642/geol

1-28-89 d 5-12-29

I have

^{ms}
5700

5710/31 Sec Secy to Govt.

omit
not
necessary -
A definite
ref has been
A recd for the Govt
Vign. flag +.

No. pol. 461/400 1-28-93

5th October 1931.

B.T. Kesaviengar, Esq. B.A.

Development Department.

Adverting to your letter No. 6176/1-1929 dated 26th August 1931 regarding the certification of the stock on hand of explosives with intending importers, I am directed to state that the objection taken in para. 2 of this Office letter of the 14th March 1931 applies only to the suggestion that the certification should be made by the Mysore Government and not to certification by the District Magistrates which procedure will be continued as already stated in this Office letter No. Pol. 531/Geol. 118-26-27 dated 10th November 1927. I am to add that, in view of this, the question of further certification by the Mysore Government does not arise.

I have the honor to be,

Sir,

Your most obedient servant,

Fair dft

Secretary to Government,

Development Department.